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Testimony to the Appropriations Committee by Andy Webb.

Chairman Cushingberry, Vice Chairmen Hammel and Moss, and Members of the Committee:

Thank you for the opportunity to express my views opposing the introduced version of House Bill 5999, the Michigan fireworks safety act.

I'll begin with a brief introduction of my experience. I have been a professional fireworks display operator for over 30 years. I have extensive outdoor display, indoor display, special effects and flame experience. I currently perform about 20 displays per year, and manage many more. I also have sold wholesale and retail consumer fireworks for eight years. I am a member of the National Fireworks Association and the Pyrotechnics Guild International, and I am certified as an instructor for the Pyrotechnics Guild's Display Fireworks Operator certification course.

I trust that each of the members of the committee has received the email I sent, which contained two attachments. Those attachments were an educational document titled A Fireworks Primer for Michigan, and a detailed critique of HB 5999 as introduced. The critique contains detailed objections to some of the introduced language, as well as many suggestions to improve the bill. If any member needs clarification of any points I have made in those documents, I would be happy to provide it.

Why should we change Michigan's fireworks law?

- Current law makes no distinction between consumer fireworks and display fireworks.
- It contains technical inaccuracies in terminology.
- Is not based on national consensus fire codes.
- Consumers who want aerial consumer fireworks get them from adjoining states.
- Consumers currently use those fireworks safely, throughout the state, every year.
- Law enforcement can focus on more serious crimes.
- Imposing a fee creates a new revenue source, and increases revenue from sales tax. Money currently spent by consumers on consumer fireworks will stay in the state.
- Revenue can be used to fund fire service training and consumer fireworks education. Perhaps similar to hunter safety classes.

What should we do?

- Use the Federal definitions for all types of fireworks articles.
- Maintain the current system for public fireworks display permits, with minor improvements.
- Maintain local control of the public display permit process.
- Maintain current bond or insurance requirements for public displays.

- Incorporate national consensus fire codes.
- Legalize the sale, possession, and use of all federally legal consumer fireworks.
- Impose a fee on consumer fireworks only, to raise revenue for safety and training.
- Allow local control of transient structures used to sell consumer fireworks via zoning ordinances.
- Allow local control of the use of consumer fireworks.
- Establish a permit and fee structure for consumer fireworks retail sales facilities.
- Establish penalties for those who engage in performing a display or retail sale of consumer fireworks without possessing a permit.
- Establish penalties for violations of statute or fire code.
- Establish penalties for deliberate misuse or abuse of fireworks.

What are some concerns?

Safety

- All types of consumer fireworks are currently in heavy use throughout the state, with minimal injury or property damage.
- Many states allow sale and use of all consumer fireworks, with no adverse effects.
- CPSC data show that states with the most restrictive fireworks laws have the greatest number of injuries.
- A study published April 5, 2010 in the journal *Pediatrics* shows that fireworks injuries are very low when compared to other holiday injuries. e.g. in the 5 day period around the 4th of July, 2.9% of injuries are fireworks related, whereas bicycle injuries are 8.6% of injuries. Total injuries to children are greater on Labor Day and on Memorial Day, than they are on the 4th of July, and most injuries tend not to be holiday specific.
- National Safety Council data show that fireworks deaths are minimal.

Illegal fireworks

- Some devices, such as M-80's or Silver Salutes, are treated as illegal explosive devices in federal law. Those devices continue to be illegal.
- Demand by consumers for professional fireworks will be reduced.

To conclude, I have identified many concerns in my detailed critique of HB 5999 as introduced. Because of this, I urge the committee to keep HB 5999 in committee, and work to address those concerns. There may be concerns by other stakeholders that I have not addressed. I welcome the opportunity to work with all stakeholders to achieve an updated fireworks law that will be best for Michigan.

Thank you for the opportunity to present my views.